IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

OP.No. 32944 of 2001(V)

PETITIONERS:
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1. **SRI. P. GIRISHKUMAR,**
   PARAMBATH HOUSE,
   P.O. KAKKODI,
   KOZHIKODE - 673 611.

2. **SRI. Y. SIRAJUDEENKUTY,**
   NELLIVILA VEEDU,
   P.O. THRIPPILAZHIKOM,
   KOLLAM - 691 509.

*3. **SMT. A.R. JEENA MOL,**
   ALAKKATHUSSERIL,
   SMC 22/249, CHERTHALA,
   ALAPPUZHA - 688 524.

   ***REMOVED FROM PARTY ARRAY AS PER ORDER**
   IN I.A. 1851/2007 DTD. 22/03/2007.

4. **SMT. V.K. JAYASREE,**
   PRASANTHI,
   P.O. POLLATHAI, S.L. PURAM,
   ALAPPUZHA - 688 567.

BY ADV. SRI.PHILIP ANTONY CHACKO,
SRI.P.M.SEBASTIAN,
SRI.M.R.MOUNEESH.

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY CHIEF SECRETARY,
   GOVERNMENT OF KERALA,
   TRIVANDRUM.

O.P. NO. 32944/2001:

2. CHIEF TOWN PLANNER,
TRIVANDRUM.

3. SRI. C.S. SAJAN,
1ST GRADE TOWN PLANNING SURVEYOR,
REGIONAL TOWN PLANNING OFFICE,
TRIVANDRUM.

4. SRI. A.P. GIRISH,
1ST GRADE TOWN PLANNING SURVEYOR,
OFFICE OF THE HOUSING COMMISSIONER (DEPUTATION),
TRIVANDRUM.

5. SRI. JOHNY JOHN,
BUILDING INSPECTOR,
OFFICE OF THE IDUKKI DEVELOPMENT AUTHORITY,
P.O. IDUKKI COLONY,
VAZHATHOPPE, CHERUTHANY.

6. SRI. C.K. SUGATHAN,
1ST GRADE SURVEYOR,
IDUKI TOWN PLANNING OFFICE,
IDUKKI.

7. SRI. K.J. JOHNSON,
SURVEYOR,
OFFICE OF THE IDUKKI DEVELOPMENT AUTHORITY,
P.O. IDUKKI COLONY,
VAZHATHOPE, CHERUTHANY.

8. SRI. T. RAJAN,
1ST GRADE TOWN PLANNING SURVEYOR,
REGIONAL TOWN PLANNING OFFICE,
TRIVANDRUM.

9. SRI. HAMZA MUCHERI,
1ST GRADE TOWN PLANNING SURVEYOR,
LAKSHADWEEP WATER AUTHORITY,
LAKSHADWEEP.

BY ADV. SMT. V.P. SEEMANDINI (SR),
SMT.S.KARTHIKA,
SRI.M.R.ANISON,
SRI.T.R.RAJESH,
SMT.K.P.GEETHA MANI.
GOVT. PLEADER SRI. P. NANDAKUMAR.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/05/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 5374/2001 & I.A. NO. 1858/2007 IN O.P. NO. 32944/2001

DISMISSED

28/05/2007. **SD/- K. BALAKRISHNAN NAIR, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. A1/19552/94 DTD. 24/07/96 TOGETHER WITH ITS APPENDIX ISSUED BY THE R.2.

EXT.P.2: COPY OF THE COMBINED PROVISIONAL SENIORITY LIST ISSUED BY THE R.2.

EXT.P.3: COPY OF THE JUDGMENT IN O.P. 11184/1999-BY THIS HONOURABLE COURT.

EXT.P.4: COPY OF THE ORDER HAVING REFERENCE NO. A1/4523/99 DTD. 25/04/2001 ISSUED BY THE R.2.

EXT.P.5: COPY OF THE APPEAL FILED BY THE P.1. BEFORE THE HEAD OF OFFICE.

EXT.P.6: COPY OF THE COMBINED PROVISIONAL SENIORITY LIST OF FIRST GRADE DRAFTSMAN, TOWN PLANNING SURVEYORS AS ON 29/06/2000 ISSUED ALONG WITH EXHIBIT P.4.

EXT.P.7: COPY OF THE STATEMENT DTD. 09/03/1999 FILED IN O.P. NO. 240/1999 BY THE R.2.

EXT.P.8: COPY OF THE THE ORDER NO. A1/4506/03 DTD. 10/02/04 PROCEEDINGS OF THE CHIEF TOWN PLANNER, TRIVANDRUM.

EXT.P.9: COPY OF THE 1ST PAGE OF ORDER NO. A4/6575/2000 DTD. 08/08/2000 READ WITH G.O. (P) NO. 183/2000/LSGD DTD. 29/06/2000 ISSUED BY THE 2ND RESPONDENT'S OFFICE.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

O.P. NO. 32944 OF 2001-V

JUDGMENT

The petitioners are First Grade Town Planning Surveyors. This Original Petition was filed, challenging Ext.P4 order and Ext.P6 provisional seniority list of 1st Grade Town Planning Surveyors/Draftsman appended to it. The 1st petitioner has preferred Ext.P5 objection to the said list. Thereafter, this O.P was filed, seeking to quash Exts.P4 and P6.

2. I heard the learned Government Pleader for respondents 1 and 2 and the learned counsel appearing for the party respondents. Since the impugned order Ext.P4 is an order publishing the provisional seniority list Ext.P6, this Court is not justified in interfering with the same. The 2nd respondent is directed to consider and pass orders on Ext.P5, if the same is received and pending, along with other objections, if any, received, in accordance with law and publish the final seniority list within three months from the date of production of a copy of this judgment, if so far, no final seniority list has been published. Needless to say, if any promotions are made in the meantime to higher posts, the petitioners can move for

reviewing the same, if their seniority improves when the final seniority list is published.

The Original Petition is disposed of as above.

28th May, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/

K.BALAKRISHNAN NAIR,J.

O.P. NO.32944/2001-V

JUDGMENT

28.05.2007